

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Daren K. Johnston**  
**Melinda S. Johnston**  
Debtor(s)

Bankruptcy Case No.: 19-70641-JAD  
Issued Per 12/20/2019 Proceeding  
Chapter: 13  
Docket No.: 23 - 15  
Concil. Conf.: April 23, 2020 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 10/11/2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 23, 2020 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan [Claim #18] .
- ☒ H. Additional Terms: The secured claim(s) of the following creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Ally Financial [Claims #19 and 20]

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 3, 2020

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 6**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Daren K. Johnston  
 Melinda S. Johnston  
 Debtors

Case No. 19-70641-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: skoz  
 Form ID: 149

Page 1 of 3  
 Total Noticed: 58

Date Rcvd: Jan 03, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 05, 2020.

db/jdb  
 15138429 +Daren K. Johnston, Melinda S. Johnston, 1960 Rt. 553 Hwy., Penn Run, PA 15765-8246  
 15138431 +Aes/keybank, P.O. Box 61047, Harrisburg, PA 17106-1047  
 15163367 Best Buy Credit Services, P.O. Box 9001007, Louisville, KY 40290-1007  
 15138433 CREDIT FIRST NA, PO BOX 818011, CLEVELAND, OH 44181-8011  
 15138434 +Chase Card Services, Attn: Bankruptcy, P.O. Box 15298, Wilmington, DE 19850-5298  
 15138435 +Citi/Sears, Citibank/Centralized Bankruptcy, P.O. Box 790034, St Louis, MO 63179-0034  
 15138436 +Citibank, Attn: Recovery/Centralized Bankruptcy, P.O. Box 790034, St Louis, MO 63179-0034  
 15138436 +Citibank/The Home Depot, Attn: Recovery/Centralized Bankruptcy, P.O. Box 790034, St Louis, MO 63179-0034  
 15138443 +Credit First National Association, Attn: Bankruptcy, P.O. Box 81315, Cleveland, OH 44181-0315  
 15138446 +Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040-8999  
 15138447 +First Mark Services, Attn: Bankruptcy, P.O. Box 82522, Lincoln, NE 68501-2522  
 15138448 +First National Bank, Attn: Bankruptcy, 1620 Dodge St Mailstop 4440, Omaha, NE 68197-0002  
 15149140 +Granite State Management & Resources, o/b/o The U.S. Department of Education, PO Box 3420, Concord, NH 03302-3420  
 15152333 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013  
 15163781 +Lakeview Loan Servicing LLC, PO Box 840, Buffalo, NY 14240-0840  
 15138450 +Mercury/FBT, Attn: Bankruptcy, P.O. Box 84064, Columbus, GA 31908-4064  
 15138453 +New Hampshire Higher Ed/Granite State Ma, Attn: Bankruptcy, P.O. Box 2097, Concord, NH 03302-2097  
 15139968 ++PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020  
 (address filed with court: First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197)  
 15138465 +Target, Attn: Bankruptcy, P.O. Box 9475, Minneapolis, MN 55440-9475

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 04 2020 02:46:02  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 15166394 E-mail/Text: ally@ebn.phinsolutions.com Jan 04 2020 02:33:18 Ally Bank, PO Box 130424, Roseville, MN 55113-0004  
 15138430 +E-mail/Text: ally@ebn.phinsolutions.com Jan 04 2020 02:33:18 Ally Financial, Attn: Bankruptcy Dept, P.O. Box 380901, Bloomington, MN 55438-0901  
 15138432 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 04 2020 02:46:50 Capital One, Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285  
 15155772 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 04 2020 02:46:24 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083  
 15138437 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 04 2020 02:33:24 Comenity Bank/Kay Jewelers, Attn: Bankruptcy Dept, P.O. Box 182125, Columbus, OH 43218-2125  
 15138438 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 04 2020 02:33:24 Comenity Bank/King Size, Attn: Bankruptcy, P.O. Box 182125, Columbus, OH 43218-2125  
 15138439 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 04 2020 02:33:24 Comenity Bank/Maurices, Attn: Bankruptcy, P.O. Box 182125, Columbus, OH 43218-2125  
 15138440 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 04 2020 02:33:25 Comenity Bank/Wayfair, Attn: Bankruptcy Dept, P.O. Box 182125, Columbus, OH 43218-2125  
 15138441 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 04 2020 02:33:25 Comenity/ MPRC, Attn: Bankruptcy, P.O. Box 182125, Columbus, OH 43218-2125  
 15138442 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 04 2020 02:33:25 Comenitybank/catherine, P.O. Box 182789, Columbus, OH 43218-2789  
 15138444 +E-mail/PDF: creditonebknotifications@resurgent.com Jan 04 2020 02:46:58 Credit One Bank, Attn: Bankruptcy Department, P.O. Box 98873, Las Vegas, NV 89193-8873  
 15138445 E-mail/PDF: DellBKNotifications@resurgent.com Jan 04 2020 02:47:00 Dell Financial Services LLC, Attn: President/CEO, P.O. Box 81577, Austin, TX 78708  
 15172053 E-mail/Text: bnc-quantum3group.com Jan 04 2020 02:33:29 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657  
 15169368 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Jan 04 2020 02:33:50 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617  
 15146035 +E-mail/Text: key\_bankruptcy\_ebnc@keybank.com Jan 04 2020 02:33:48 KeyBank N.A., 4910 Tiedeman Rd, Brooklyn, oh 44144-2338  
 15171474 E-mail/PDF: resurgentbknotifications@resurgent.com Jan 04 2020 02:46:08 LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 15138449 E-mail/Text: camanagement@mtb.com Jan 04 2020 02:33:24 M & T Bank, Attn: Bankruptcy, P.O. Box 844, Buffalo, NY 14240  
 15168783 E-mail/PDF: MerrickBKNotifications@Resurgent.com Jan 04 2020 02:46:26 MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
 15138451 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Jan 04 2020 02:46:50 Merrick Bank/CardWorks, Attn: Bankruptcy, P.O. Box 9201, Old Bethpage, NY 11804-9001  
 15138452 +E-mail/PDF: pa\_dc\_claims@navient.com Jan 04 2020 02:46:55 Navient, Attn: Bankruptcy, P.O. Box 9640, Wiles-Barre, PA 18773-9640

District/off: 0315-7

User: skoz  
Form ID: 149

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Total Noticed: 58

Date Rcvd: Jan 03, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15172107 E-mail/PDF: pa\_dc\_claims@navient.com Jan 04 2020 02:46:55 Navient PC TRUST,  
c/o Navient Solutions, LLC, PO BOX 9640, Wilkes-Barre, PA 18773-9640  
15138454 +E-mail/Text: bankruptcynotices@psecu.com Jan 04 2020 02:33:59 P S E C U,  
Attention: Bankruptcy, P.O. Box 67013, Harrisburg, PA 17106-7013  
15166529 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 04 2020 02:46:26  
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
15162724 +E-mail/Text: bankruptcynotices@psecu.com Jan 04 2020 02:33:59 PSECU, PO BOX 67013,  
HARRISBURG, PA 17106-7013  
15170877 E-mail/Text: bnc-quantum@quantum3group.com Jan 04 2020 02:33:29  
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
15138456 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:45:57 Synch/Levin Furniture,  
Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060  
15138457 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:46:22 Synch/PPC, Attn: Bankruptcy,  
P.O. Box 965060, Orlando, FL 32896-5060  
15138455 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:46:22 Synch/hhgreg, Attn: Bankruptcy,  
P.O. Box 965060, Orlando, FL 32896-5060  
15138458 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:46:22 Synchrony Bank,  
Attn: Bankruptcy Dept, P.O. Box 965060, Orlando, FL 32896-5060  
15138784 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:45:58 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
15138459 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:45:57 Synchrony Bank/ JC Penneys,  
Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-0001  
15138460 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:46:47 Synchrony Bank/Amazon,  
Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060  
15138461 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:46:47 Synchrony Bank/Care Credit,  
Attn: Bankruptcy Dept, P.O. Box 965060, Orlando, FL 32896-5060  
15138462 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:46:22 Synchrony Bank/Lowes,  
Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060  
15138463 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:45:58 Synchrony Bank/QVC,  
Attn: Bankruptcy Dept, P.O. Box 965060, Orlando, FL 32896-5060  
15138464 +E-mail/PDF: gecsedirecoverycorp.com Jan 04 2020 02:45:58 Synchrony Bank/Walmart,  
Attn: Bankruptcy, P.O. Box 965060, Orlando, FL 32896-5060  
15172923 +E-mail/Text: bncmail@w-legal.com Jan 04 2020 02:33:48 TD Bank USA, N.A.,  
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
15166409 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jan 04 2020 02:46:37 Verizon,  
by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 39

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Lakeview Loan Servicing LLC  
cr M&T BANK  
15152670\* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
(address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,  
PO Box 10390, Greenville, SC 29603-0390)

TOTALS: 2, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 05, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 3, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Lakeview Loan Servicing LLC bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Richard G. Allen on behalf of Debtor Daren K. Johnston ecf@johnstowbankruptcy.com,  
mybestcaseecfmail@gmail.com;r44281@notify.bestcase.com

District/off: 0315-7

User: skoz  
Form ID: 149

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Total Noticed: 58

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

Richard G. Allen on behalf of Joint Debtor Melinda S. Johnston ecf@johnstownbankruptcy.com,  
mybestcaseecfmail@gmail.com;r44281@notify.bestcase.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5